

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILLENNIUM PIPELINE COMPANY, L.L.C.,

Plaintiff,

-vs-

**CERTAIN PERMANENT AND TEMPORARY
EASEMENTS IN (No Number) ROUTE 55, S.B.L.
No. 4.B-1-1, TOWN OF HIGHLAND, COUNTY
OF SULLIVAN, NEW YORK, Pfeifer Realty
Corporation, et al., and Unknown Owners,**

Defendants.

**NOTICE OF
CONDEMNATION**

Civil Action No.
07-CIV-10605

TO: Pfeifer Realty Corporation
282 Barnstable Drive
Wyckoff, New Jersey 07481

You are hereby notified that a Complaint in condemnation has heretofore been filed in the Office of the Clerk of the United States District Court for the Southern District of New York, in the United States Courthouse at 300 Quarropas Street, White Plains, New York, by plaintiff MILLENNIUM PIPELINE COMPANY, L.L.C. ("MILLENNIUM") for the taking of certain permanent and temporary easements in the property located at (No Number) Route 55, Town of Highland, County of Sullivan, New York, S.B.L. No. 4.B-1-1 ("Pfeifer Property"), in which you have or claim an interest and which is more specifically described in Exhibits 1 and 2 attached hereto and made a part hereof.

The uses for which temporary easements in the Pfeifer Property are required are to acquire, construct and operate pipeline facilities from a new compressor station in Corning, New York (milepost 190.6) to the Ramapo, New York measuring and regulating station (milepost 376.6) pursuant to the December 21, 2006 Order issued by the United States Federal Energy

Regulatory Commission ("FERC") entitled "Order Issuing and Amending Certificates, Approving Abandonment, Vacating Certificate and Granting and Denying Requests for Rehearing and Clarification" ("FERC Order") (the "Project"). The temporary construction easements that are being acquired are to facilitate pipeline construction and testing for use and exercisable during the construction, preconstruction and testing of the pipeline and restoration of the Pfeifer Property as reasonably required by MILLENNIUM for the purpose of constructing and testing the pipeline and thereafter restoring the Pfeifer Property and to conduct all activities incident thereto, terminating upon the approval of the completed work and Pfeifer Property restoration, unless sooner terminated by MILLENNIUM or its authorized representative. Such temporary construction easements shall be exercised in and to the Pfeifer Property reserving, however, to the Owner, successors or assigns, the right of using said Pfeifer Property and such use shall not be further limited or restricted under this temporary easement beyond that which is necessary to effectuate its purposes for the construction, preconstruction and testing of the pipeline and restoration of the Property.

MILLENNIUM seeks a temporary access easement for the purpose of an access road and pullover areas for use and exercisable during the construction, preconstruction and testing of the pipeline and restoration of the owner's property, as reasonably required by MILLENNIUM for the purpose of constructing and testing the pipeline and restoring the owner's property and to conduct all activities incident thereto, terminating upon the approval of the completed work and property restoration, unless sooner terminated by MILLENNIUM or its authorized representative.

MILLENNIUM seeks permanent easements in the Pfeifer Property for the purpose of constructing, operating, inspecting, maintaining, replacing, repairing, altering the size of and

removing or abandoning a pipeline at the Property as reasonably required by MILLENNIUM to facilitate the Project. Such permanent easements shall be exercised in and to the Property reserving, however, to the Owner, successors or assigns, the right of using said Property and such use shall not be further limited or restricted under these permanent easements beyond that which is necessary to effectuate its purposes in connection with the Project, as stated in the Complaint.

The authority for the taking is the Natural Gas Act, 15 U.S.C. §717, *et seq.*

You are further notified that if you desire to present any objection or defense to the taking of permanent and temporary easements in the Pfeifer Property you are required to serve your Answer on MILLENNIUM'S attorney at the address herein designated within 20 days after personal service of this Notice of Condemnation upon you.

Your Answer shall identify the Pfeifer Property, state the nature and extent of the interest you claim, and state all of your objections and defenses to the taking of easements in the Property or your interest in the Pfeifer Property. All defenses and objections not so presented are waived. Your failure to answer the Complaint within 20 days of service of this Notice of Condemnation constitutes a consent to the taking and to the authority of the Court to render a judgment of condemnation of that part of the above-described Property in which you have or claim an interest.

But without answering, you may serve on MILLENNIUM'S attorney a Notice of Appearance identifying the nature of your interest in the Pfeifer Property. Thereafter you will receive notice of all proceedings affecting it. At the trial of the issue of just compensation, whether or not you have previously appeared or answered, you may present evidence as to the

amount of the compensation to be paid for your interest in the Pfeifer Property, and you may share in the distribution of the award.

DATED: December 6, 2007

HISCOCK & BARCLAY, LLP

By: 

Mark D. Lansing MDL1947
Darryl J. Colosi DC2929

Attorneys for Plaintiff

Millennium Pipeline Company, L.L.C.
Office and Post Office Address
50 Beaver Street
Albany, New York 12207-2830
Telephone: (518) 434-2163

Plaintiff, Millennium Pipeline Company, L.L.C., may be served at the offices of its legal counsel, Hiscock & Barclay, LLP, The Standard Oil Building, 26 Broadway, 24th Floor, New York, New York 10004-1840, attention: Mark D. Lansing or Darryl J. Colosi.

EXHIBIT 1

**PROPOSED EASEMENTS
TO
MILLENIUM PIPELINE COMPANY, LLC
FROM
PFEIFER REALTY CORPORATION**

ALL THOSE TRACTS OR PARCELS OF LAND in the Town of Highland, Sullivan County, State of New York, being portions of the lands of Pfeifer Realty Corp. described in Liber 2184 Page 223 as recorded in the Sullivan County Clerk's Office on April 20, 2000.

PERMANENT EASEMENT

Beginning at a point on the northeasterly line of the lands of Pfeifer Realty Corp. (Tax Map # 4.B-1-1) a distance of 45 feet, more or less northwesterly from the easterly corner of said Pfeifer; thence westerly through the lands of said Pfeifer, parallel to and 25 feet distant from a proposed pipeline, a distance of 698 feet, more or less to a point; thence northwesterly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 231 feet, more or less to a point; thence northerly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 380 feet, more or less to a point on said northeasterly line of Pfeifer; thence southeasterly along said line a distance of 66 feet, more or less to a point; thence southerly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 319 feet, more or less to a point; thence southeasterly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 196 feet, more or less to a point; thence easterly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 587 feet, more or less to a point on said northeasterly line of Pfeifer; thence southeasterly along said line a distance of 105 feet, more or less to the Point of Beginning.

The above described parcel contains 1.38 acres, more or less.

TEMPORARY WORKSPACE EASEMENT

Beginning at a point at the easterly corner of the lands of Pfeifer Realty Corp. (Tax Map # 4.B-1-1); thence southwesterly along the southeasterly line of said Pfeifer a distance of 4 feet, more or less to a point; thence westerly through the lands of said Pfeifer, parallel to and 50 feet distant from a proposed pipeline, a distance of 853 feet, more or less to a point; thence northwesterly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 248 feet, more or less to a point; thence northerly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 410 feet, more or less to a point on the northeasterly line of Pfeifer; thence southeasterly along said line a distance of 33 feet, more or less to a point; thence southerly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 380 feet, more or less to a point; thence southeasterly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 231 feet, more or less to a point; thence

easterly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 698 feet, more or less to a point on said northeasterly line of Pfeifer; thence southeasterly along said line a distance of 45 feet, more or less to the Point of Beginning.

The above described parcel contains 0.78 acre, more or less.

EXTRA TEMPORARY WORKSPACE EASEMENTS

Southerly Parcel

Beginning at a point on the southeasterly line of the lands of Pfeifer Realty Corp. (Tax Map # 4.B-1-1) 4 feet, more or less southwesterly from the easterly corner of said Pfeifer; thence southwesterly along said southeasterly line of Pfeifer a distance of 29 feet, more or less to a point; thence westerly through the lands of said Pfeifer, parallel to and 75 feet distant from a proposed pipeline, a distance of 95 feet, more or less to a point; thence northerly through the lands of said Pfeifer a distance of 25 feet more or less to a point; thence easterly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 109 feet, more or less to the Point of Beginning.

Middle East Parcel

Commencing at a point on the northeasterly line of the lands of Pfeifer Realty Corp. (Tax Map # 4.B-1-1) a distance of 150 feet, more or less northwesterly from the easterly corner of said Pfeifer; thence westerly through the lands of said Pfeifer, parallel to and 25 feet distant from a proposed pipeline, a distance of 478 feet, more or less to the Point of Beginning.

Thence westerly through the lands of said Pfeifer, parallel to and 25 feet distant from a proposed pipeline, a distance of 109 feet, more or less to a point; thence northwesterly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 196 feet, more or less to a point; thence northerly through the lands of said Pfeifer, parallel to and 25 feet distant from said proposed pipeline, a distance of 122 feet, more or less to a point; thence easterly through the lands of said Pfeifer a distance of 25 feet, more or less to a point; thence southerly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 114 feet, more or less to a point; thence southeasterly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 178 feet, more or less to a point; thence easterly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 100 feet, more or less to a point; thence southerly through the lands of said Pfeifer a distance of 25 feet, more or less to the Point of Beginning.

Middle West Parcel

Commencing at a point at the easterly corner of the lands of Pfeifer Realty Corp. (Tax Map # 4.B-1-1); thence southwesterly along the southeasterly line of said Pfeifer a distance of 4 feet, more or less to a point; thence westerly through the lands of said Pfeifer, parallel to and 50 feet distant from a proposed pipeline, a distance of 853 feet, more or less to a point; thence northwesterly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 248 feet, more or less to a point; thence northerly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 311 feet, more or less to the Point of Beginning.

Thence westerly through the lands of said Pfeifer a distance of 25 feet, more or less to a point;

thence northerly through the lands of said Pfeifer, parallel to and 75 feet distant from said proposed pipeline, a distance of 100 feet, more or less to a point; thence northwesterly through the lands of said Pfeifer parallel to and 75 feet distant from said proposed pipeline, a distance of 99 feet, more or less to a point; thence northeasterly through the lands of said Pfeifer a distance of 13 feet, more or less to a point on the northeasterly line of said Pfeifer; thence southeasterly along said line a distance of 118 feet, more or less to a point; thence southerly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 99 feet, more or less to the Point of Beginning.

Northwesterly Parcel

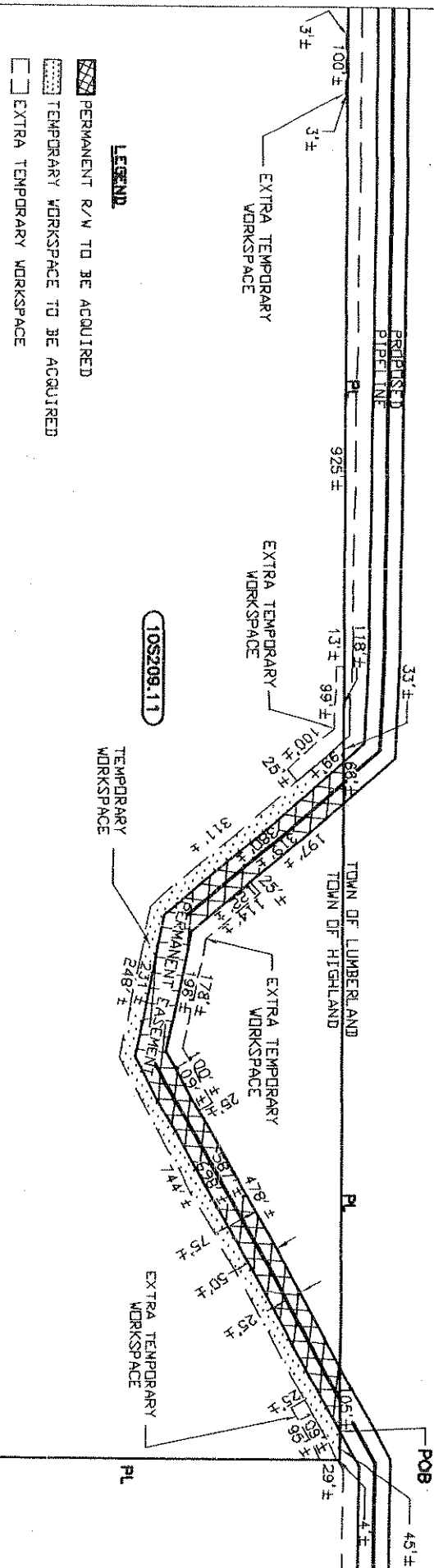
Commencing at a point at the easterly corner of the lands of Pfeifer Realty Corp. (Tax Map # 4.B-1-1); thence southwesterly along the southeasterly line of said Pfeifer a distance of 4 feet, more or less to a point; thence westerly through the lands of said Pfeifer, parallel to and 50 feet distant from a proposed pipeline, a distance of 853 feet, more or less to a point; thence northwesterly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 248 feet, more or less to a point; thence northerly through the lands of said Pfeifer, parallel to and 50 feet distant from said proposed pipeline, a distance of 410 feet, more or less to a point; thence northwesterly along the northeasterly line of said Pfeifer a distance of 1043 feet, more or less to the Point of Beginning.

Thence southwesterly through the lands of said Pfeifer a distance of 3 feet, more or less to a point; thence northwesterly through the lands of said Pfeifer, parallel to and 75 feet distant from said proposed pipeline, a distance of 100 feet, more or less to a point; thence northeasterly through the lands of said Pfeifer a distance of 3 feet, more or less to a point on said northeasterly line; thence southeasterly along said line a distance of 100 feet, more or less to the Point of Beginning.

The above described parcels contain 0.39 acre, more or less.

The above described parcels are shown on Exhibit 10S209.11 entitled "Exhibit A, Proposed Pipeline Crossing Property of Pfeifer Realty Corporation", dated March 2007.

SULLIVAN CO., NEW YORK



TAX ID: 4-B-1-1
REF. ALIGNMENT: D-2487, 127/173
PIPE LENGTH = 1205' ±
PERMANENT RIGHT-OF-WAY = 1.38± ACRES
TEMPORARY WORKSPACE AREA = 0.79± ACRES
EXTRA TEMPORARY WORKSPACE AREA = 0.39± ACRES

SCALE = 1" = 200'

NOTE: PROPERTY OUTLINES ARE BASED ON COUNTY TAX MAPS. DISTANCES AND AREAS SHOWN ON THIS EXHIBIT ARE APPROXIMATE.

EXHIBIT A

PROPOSED PIPELINE CROSSING
PROPERTY OF
PEETEF REALTY CORPORATION

ROW DETAIL

THE PRESENT

Job No. 970, 2980 4 JVB No. EXHIBIT-105209, 11 Rev

EXHIBIT 2

**PROPOSED EASEMENTS
TO
MILLENNIUM PIPELINE COMPANY, LLC
FROM PFEIFER REALTY CORPORATION**

ALL THAT TRACT OR PARCEL OF LAND in the Town of Highland, County of Sullivan, State of New York, being a portion of the land of Pfeifer Realty Corporation described in Liber 2184 Page 223 as recorded in the Sullivan County Clerk's Office on April 20, 2000.

ACCESS RIGHT OF WAY

Commencing at a point at the northeasterly corner of the lands now or formerly of Pfeifer Realty Corporation (Tax Map # 4B-1-1) at its intersection with the division line between Tax Map # 4B-1-2 on the northwest and said Tax Map # 4B-1-1 on the southeast; thence southwesterly along the northwesterly line of said Pfeifer, a distance of 3 feet, more or less, to the Point of Beginning.

Thence southeasterly through said Pfeifer, a distance of 28 feet, more or less, to a point; thence southwesterly through said Pfeifer, along a line parallel to and 25 feet distant from a northwesterly line of said Pfeifer, a distance of 2,083 feet, more or less, to a point; thence westerly through said Pfeifer, along a line parallel to and 25 feet distant from a northerly line of said Pfeifer, a distance of 4,563 feet, more or less, to a point on the westerly line of said Pfeifer; thence northerly along said Pfeifer, a distance of 25 feet, more or less, to a point on the northerly line of said Pfeifer, said line also being the centerline of "Old Mt. Hope & Lumberland Turnpike (N.O.H.)"; thence easterly along said Pfeifer, a distance of 4,547 feet, more or less, to a point; thence northeasterly along the northwesterly line of said Pfeifer, a distance of 2,068 feet, more or less, to the Point of Beginning;

The above described parcel contains 3.806 acres, more or less.

The above described parcel is shown on Exhibit 10S209.03 entitled "Exhibit A, Access Right of Way Crossing Property of Pfeifer Realty Corporation", dated October 2007.

